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sale was without license, nor whether the sale was by wholesale or retail. *Hargrave's Case,* 2 Va. Dec. 139, 22 S. E. 314. But the commonwealth must prove that the liquor sold was one of the kinds mentioned in the statute, and no conviction can be had where the evidence fails to show that the offense was committed in the county and magisterial district wherein the indictment laid the venue. *Savage* v. *Com.* 84 Va. 582; *Richardson's Case,* 80 Va. 12.

A court will take judicial notice that apple brandy is intoxicating. *Thomas' Case, supra.* As to what liquors are within the usual statutory restrictions on the sale of "spirituous," etc. liquors, and of which judicial notice will be taken, see note to *Lamly* v. *State* (Miss.), 2 L. R. A. 645.

Although a county has adopted the local option law, the sale of liquor without a license in such a county subjects the seller to prosecution as a violation of the general revenue laws. *Webster's Case,* 89 Va. 154, 15 S. E. 513.

For monographic note on intoxicating liquors, see *Thon's Case,* 31 Gratt. 887, Va. Rep. Anno. C. B. G.

NEGLIGENCE—CONTRIBUTORY NEGLIGENCE.—In *Saylor* v. *Parsons,* 98 N. W. 500, the Supreme Court of Iowa holds that one who seeks to rescue another from imminent danger, thereby imperilling his own life, is not, as a matter of law, guilty of contributory negligence. The recent case in Pennsylvania of *Corbin* v. *Philadelphia,* 195 Pa. 461, where the Supreme Court in a divided opinion reached the same conclusion, will be recalled.

BANKRUPTCY—RIGHT OF ACTION FOR TORT NOT PROPERTY.—The Supreme Court of Nebraska holds in *Cleland* v. *Anderson,* 98 N. W. 1075, that a right of action for tort is not property within the meaning of the national bankruptcy act; and, even though an action is pending thereon, such right does not pass to the trustee in bankruptcy. Applying this rule, it is decided, with one judge dissenting, that an action for conspiracy, whereby plaintiff was "driven out of business as a dealer in lumber," is an action in tort, and does not arise "from the unlawful taking or detention of, or injury to, his property" within the meaning of the federal bankruptcy act.

CARRIERS—LIMITATION OF LIABILITY.—An exemption of a carrier from liability for damages caused by fire, expressed in the bill of lading, is valid, although the option or opportunity to ship the goods under the common-law liability was not actually presented to the shipper by the carrier. *Jovite Cau* v. *Texas & Pacific Ry. Co.,* 24 Sup. Ct. 663.

CARRIERS—NEGLIGENCE—DUTY TO GUARD AGAINST FIRE.—A carrier is not chargeable with negligence in failing to take precautions to guard against the danger from fire to cotton awaiting transportation in locked box cars on a side track, in the open country, established and maintained for the accommodation of the planters in that neighborhood, where the

carrier is merely following a practice which has continued for years without any resulting loss or complaint.

Charnock v. *Texas & Pacific Railway Co.*, 24 Sup. Ct. 671.

BANKRUPTCY—TRUSTEE NOT A SUBSEQUENT PURCHASER, PLEDGEE, OR MORTGAGEE IN GOOD FAITH.—A trustee in bankruptcy does not occupy the position of a subsequent purchaser, pledgee, or mortgagee in good faith, within the meaning of N. Y. Laws 1897, chap. 418, section 112, avoiding conditional sales as against such persons where the sale is accompanied by a change in possession, unless a copy of the contract is filed, although such trustee is vested, under the bankruptcy act of July 1, 1898, c. 541, section 70*a*, 30 Stat. at L. 565, U. S. Comp. Stat. 1901, p. 3451, with the title of the bankrupt to all property which he could, by any means, have transferred, or which might have been levied upon and sold under judicial process against him.

Hewett, Trustee, v. *Berlin Machine Works*, 24 Sup. Ct. 690.